

Tippecanoe County Drainage Board

Minutes

October 7, 2009

Regular Meeting

Those present were:

Tippecanoe County Drainage Board President Thomas Murtaugh, Vice President David Byers, member John Knochel, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, and Drainage Board Secretary Brenda Garrison. Project Manager Zachariah Beasley was also in attendance.

Approval of Minutes

Steve Murray stated a correction was in order regarding the September 15, 2009 Drainage Board minutes. Referencing the US 231 update, he stated Rep. Randy Truitt's name should be included. David Byers made a motion to approve the September 15, 2009 Drainage Board minutes with the correction included. John Knochel seconded the motion. The September 15, 2009 Drainage Board meeting minutes were approved with the correction to be included.

Heritage Woods

Mr. Brandon Fulk from Schneider Corp. appeared before the Board and requested final approval for Heritage Woods. Brandon stated a residential care facility was planned. The site was located northwest of County Roads 100 South and 550 East and consisted of approximately 13 acres. The initial phase of the project would involve 7 of the 13 acres with access to the site from County Road 550 East. Brandon stated a Master Plan was in place for the entire site. The western portion of the site was undeveloped at this time. The site would have a direct outlet to the Berlowitz Regional Facility. He stated there would be a treatment facility on the south and north end of the site for water quality. All the water would drain to the west into an existing vegetated swale and into the Berlowitz Regional Facility. He stated they would have an agreement regarding the stabilization of the north swale and the Berlowitz treatment facility banks using fabric and rip rap. He stated they agreed with the conditions set forth in the October 1, 2009 Christopher Burke review memo and requested final approval. There was no public comment. The Surveyor recommended final approval with the conditions listed on the October 1, 2009 Burke review memo. David Byers made a motion to grant approval for Heritage Woods with conditions as stated on the October 1, 2009 Burke review memo. John Knochel seconded the motion. Heritage Woods was granted final approval with the conditions as stated on the Oct. 1, 2009 Burke review memo.

Altus Minor

Mr. Joe Coutts from Masson and Assoc. appeared before the Board to request final approval for the Altus Minor Subdivision. The site was located north of County Road 725 north, west of State Road 43 and consisted of approximately 17 acres. The existing wooded condition on the western end would be preserved as much as possible. Covenants and Restrictions would restrict clearing of the trees to thirty feet around the proposed homes. The site outlet into two existing ditches located along the southern boundary of the site and one of which was a County Regulated Drain known as the Wesley Mahin Regulated Drain. The Regulated Drain routed southwesterly across the southeast portion of the property. A 48 inch box culvert crossed under State Road 43 containing a significant amount of Stormwater runoff from east of State Road 43. A wet pond was proposed for Stormwater quantity and quality located to the west of the Wesley Mahin regulated drain. A portion of the offsite Stormwater would be routed through the pond and the site. Existing drainage patterns would be utilized throughout the site with the easterly portion's runoff to be treated by the facility for quality and quantity. The western portion's runoff would outlet to an existing ditch as was currently. Vegetated swales were designed for each of the residential lots for Stormwater quality treatment. (Joe noted: the western portion's runoff would not be increased.) He stated his client agreed with the conditions as stated on the October 5, 2009 Burke review memo and requested final approval. There was no public comment. Responding to the Surveyor's request Joe stated he would provide the downstream notification documents for the record. The Surveyor recommended final approval with the conditions as stated on the October 5, 2009 Christopher Burke review memo. David Byers made a motion to grant final approval with the conditions as stated on the Oct. 5, 2009 Burke review memo for the Altus Minor Subdivision. John Knochel seconded the motion. The Altus Minor Subdivision was granted final approval with the conditions as stated on the Oct. 5, 2009 Burke review memo.

Resolution #2009-04-DB S.W. Elliott Regulated Drain Branch #11 Establishment of Drainage Impact Area

The Surveyor presented Resolution #2009-04-DB S.W. Elliott Regulated Drain Branch #11 Establishment of Drainage Impact Area to the Board. He stated the Drainage Ordinance allowed the Board to declare impact areas where there was inadequate drainage or other problems. The Surveyor recommended the Board adopt Resolution #2009-04-DB in order for his office to move forward with the design and reconstruction of Branch #11 of the Samuel W. Elliott Regulated Drain. This could be paid for with remaining monies in the EDIT Drainage Project fund. A cost recovery would be implemented as development happened. This would assist the tax payer as they would not have to pay any monies on the reconstruction up front. The Board's Attorney stated the main portions of the resolution did establish the Samuel W. Elliott Branch #11 as an impact area and provided that in addition to normal compliance with the Drainage Code on a reconstruction, any developer within the area must participate in the regional detention basin as a condition of drainage approval. Any drainage improvements in the developments would become regulated drains. This would insure the Board had continuing authority to monitor the function of the drain. Additional requirements for new development could also be added under the code (due to the impact area). The most significant impact or result would be that the development would be required to participate in the regional detention of the basin system. The cost of the reconstruction would be paid for up front by the County and the landowners would not have the initial cost. Responding to Mr. Murtaugh's inquiry, the Surveyor stated no further development could happen north of State Road 38 until there was a positive outlet. Mr. Murtaugh clarified any new development would not be able to have their own detention on their property as the Resolution required they would have to participate in the regional detention. The Attorney reiterated there would be no new cost on the exiting facilities. However expansion of an existing facility or the construction of additions to or a new development would require adhering to the said Resolution. If the development was constructed in future years down the road, their cost would be allocated regarding the actual cost of the reconstruction. There would not be an inflation factor. The Attorney stated this was the same procedure used with other facilities in the county such as F-Lake Regional Facility located near the Ivy-Tech Campus. The Upper JN Kirkpatrick Regulated Drain did not have a positive outlet and a Regional Facility was constructed to meet that demand. People within the watershed would pay a pro ratio share for the detention once they developed their property. Pat Jarboe of T-Bird Designs Inc. appeared before the Board and stated it was a good idea to have deferred cost of development. He asked if there would be a document that could be reviewed prior to acceptance. The Attorney stated a participation agreement (cost recovery agreement) had not been developed to date and only the Resolution was in front of the Board today. Mr. Jarboe asked when the agreement would be available for viewing. The Surveyor stated the design would have to be completed first. INDOT would be responsible to pay for the structure under State Road 38. The last estimate for that was approximately \$500,000.00. (This was an estimate and would need to be updated after the design was completed) The gas company should lower the gas line at their own expense as well. Both of these would result in a significantly lower cost to the property owners. Mr. Jarboe stated he felt the Drainage Board was definitely going down the right path and requested to be kept "in the loop" regarding the impact area specifically and any requirements for future development in that area. The Surveyor recommended the Board adopt "Resolution #2009-04-DB for the Samuel W. Elliott Regulated Drain Branch #11 Establishment of Drainage Impact Area". David Byers made a motion to adopt Resolution #2009-04-DB S.W. Elliott Regulated Drain Branch #11 Establishment of Drainage Impact Area. John Knochel seconded the motion. Resolution #2009-04-DB S.W. Elliott Regulated Drain Branch #11 Establishment of Drainage Impact Area was adopted as presented. The Attorney noted the next step would be to develop a design of the reconstruction of Branch #11 of the Samuel W. Elliott Regulated Drain.

S.W. Elliott Branch #11 Reconstruction Design

The Surveyor presented a contract for the S.W. Elliott Branch #11 Reconstruction Design written by Christopher B. Burke Engr. LTD. to the Board. He stated the Attorney had reviewed the contract. The contract listed the various 5 tasks which included basically the field survey, hydrologic and hydraulic analysis, 50% complete design plan, task force coordination between entities (INDOT, Duke Energy etc.), and finally 100% complete design plan. The estimated fee was \$45,000.00; he recommended the Board enter into the contract with Christopher B. Burke Engr. LTD as presented. David Byers made a motion to approve the contract as presented. John Knochel seconded the motion. The Reconstruction Design for Branch #11 of the S.W. Elliott Regulated Drain Contract was approved as submitted.

USGS Geological Survey Joint Funding Agreement/S.W. Elliott Regulated Drain Gaging Station

The Surveyor presented the USGS Joint Funding agreement regarding the installation and operation maintenance of a stream flow gaging station located at the Tippecanoe County Highway Garage. The Tippecanoe County Drainage Board would provide \$8400.00 and USGS would provide \$3600.00 for the station. He explained Burke tried to model the flood plane of the Elliott upstream basically Concord Road and Brady Lane up through Ivy Tech. The 100 year flood plain was much larger than presently. This was a method to prove to USGS that the modeling was not working in this location. This had been done


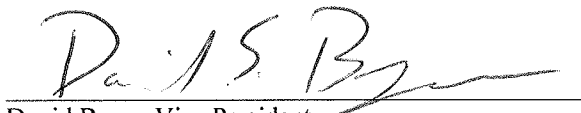
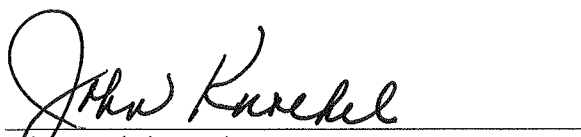
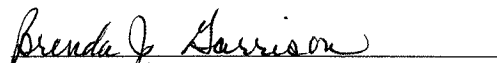
on a couple of streams in other communities within the state, The Surveyor recommended the Board execute the agreement as presented. David Byers made a motion to sign the USGS Geological Survey Joint Funding Agreement/S.W. Elliott Regulated Drain Gaging Station. John Knochel seconded the motion. The USGS Geological Survey Joint Funding Agreement/S.W. Elliott Regulated Drain Gaging Station was accepted as presented.

Steve Murray Updates

The Surveyor noted the Petitions for Vacations on the Agenda today were pulled and would be more than likely be presented at the next monthly meeting. He noted he was moving forward with the S.W. Elliott Regulated Drain Branch #11 reconstruction preparations. The resolution and contract were presented to the Board today and Christopher Burke Engineering had met with Beutler Fariman and Seiffert (BFS) to acquire all the previous survey information available on the said drain. This would reduce any additional surveys needed for the design. A US231 meeting was held with INDOT which was more about the status of the project (both phases). He did request a separate meeting regarding drainage at the meeting; however it had not been scheduled to date. He stated INDOT was addressing the comments from Christopher Burke regarding the detention storage area near Wake Robin and Sherwood Forest. He had a side conversation with the lead engineer on the north section. They were going to look at trying to do median or side ditch detention where they were discharging north to the US 52 side ditch which eventually found its way to the Indian Creek watershed. He had not received any documents yet but was led to believe they would do their best to supply drainage calculations on the two areas of concern. Responding to Mr. Murtaugh's inquiry, the Attorney stated it was a continuing battle to receive drainage information from INDOT regarding their projects. The Surveyor noted he did not believe they looked at the effect they would have at their discharge points when it goes out across private property and which do not outlet directly into a major stream or facility. He noted we were not the only county with this issue. He stated the Association of County Surveyors discussed this particular problem with INDOT at their latest meeting. He noted legislation could be proposed to remedy this. The Attorney stated under common law INDOT was responsible for any damages occurred from a project. However the Surveyor noted this was always after the fact and usually at the expense of the property owner. The intent was to protect the property owner up front before any damage could occur. He would continue to try and work with INDOT to resolve the issues.

Public Comment

As there was no public comment David Byers made a motion to adjourn. The meeting was adjourned.


Thomas Murtaugh, President
David Byers, Vice President
John Knochel, Member
Brenda Garrison, Secretary

